

The Gazette of India



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 28th January, 1956 :—

Issue No.	No. and date	Issued by	Subject
11	S.R.O. 172, dated the 23rd January, 1956.	Ministry of Commerce and Industry.	The Central Government directs that the powers exercisable by it in relation to the control of supply, distribution and price of cement in the State of Andhra, shall also be exercisable by the State Government of Andhra subject to certain conditions.
12	S.R.O. 214, dated the 24th January, 1956.	Ministry of External Affairs.	The Land Improvement Loans and Agriculturists' Loans (Application to the State of Pondicherry) Order, 1956.
	S.R.O. 215, dated the 24th January, 1956.	Ditto.	The Essential Commodities (Application to the State of Pondicherry) Order, 1956.
13	S.R.O. 216, dated the 27th January, 1956.	Ministry of Information and Broadcasting.	The Central Government certifies a film to be of the description specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministers of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 24th January 1956

S.R.O. 223.—In exercise of the powers conferred by clause (c) of section 29 of the Code of Civil Procedure 1908 (Act V of 1908), the Central Government hereby declares that the provisions of the said section shall apply to all Civil Courts in the Federation of Malaya.

[No. F. 27-I/55-L.]

H. R. KRISHNAN, Jt. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 24th January 1956

S.R.O. 224.—In exercise of the powers conferred by sections 23 and 24 of the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), the Central Government hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the High Court Judges (Part A States) Rules, 1956.

2. **Conditions of service in certain cases.**—The conditions of service of a Judge of a High Court for which no express provision has been made in the High Court Judges (Conditions of Service) Act, 1954, shall be, and shall from the commencement of the Constitution be deemed to have been, determined by the rules for the time being applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court in situated:

Provided that, in respect of facilities for medical treatment and accommodation in hospitals, the provisions of the All India Services (Medical Attendance) Rules, 1954, in their application to a Judge, shall be deemed to have taken effect from the 26th January 1950.

NOTE.—Cases of reimbursement of medical charges decided before the commencement of these rules shall not be reopened unless it is specifically so desired by the Judge concerned.

3. **Passage benefits.**—(i) A Judge who is a member of the Indian Civil Service and whose domicile at the date of his appointment to that Service was elsewhere than in India, shall have the same rights in respect of passages for himself, his wife and children, if any, as, under the rules of that service, he would have had if he had not been appointed a Judge, his service as Judge being treated as service for the purpose of determining those rights.

(ii) Any other Judge whose domicile at the date of his appointment as Judge was elsewhere than in Asia shall have the same rights in respect of passages for himself, his wife and children, if any, as, under the rules for the time being applicable to persons who became members of the Indian Civil Service on that date, he would have had, if he had become a member thereof on that date, and if his service as Judge were treated as service therein for the purpose of determining those rights:

Provided that, in the case of a Judge who was, before appointment to a High Court in India, a Judge of a former Indian High Court, the date of his appointment and his service as such Judge shall be treated as the date of appointment and his service as Judge respectively for the purpose of this sub-rule, and any passages taken by him as such Judge shall be treated as passages taken under these rules.

NOTE.—The passage benefits provided in rule 3 shall be, and shall from the commencement of the Constitution be deemed to have been, admissible only to such Judges as were serving in the High Court on the 1st day of May, 1955.

4. Decision of questions.—If any question arises about the interpretation of the provisions of these rules, the decision of the Central Government thereon shall be final.

[No. 11/39/54-Judl.]

M. GOPAL MENON, Dy. Secy.

MINISTRY OF FINANCE

(Department of Company Law Administration)

New Delhi, the 27th January 1956

S.R.O. 225.—The services of Shri P. C. Das Gupta, Chief Administrator, Rehabilitation Finance Administration, are formally replaced at the disposal of the Comptroller and Auditor General of India with effect from the 3rd August, 1955.

[No. F.7(40)-FIII/55(Corp).]

S. S. SHARMA, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX

New Delhi, the 24th January 1956

S.R.O. 226.—The Indian Science Congress Association, Calcutta, having been approved by the prescribed authority for the purpose of clause (xiii) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following further amendment in the list appended to the notification of the Government of India in the late Finance Department (Revenue Division) No. 34-Income-tax, dated the 23rd November, 1946, namely:—

In the said list, under the heading "Institutions", after item No. 30, the following item shall be inserted, namely:—

"31. Indian Science Congress Association, Calcutta."

[No. 5.]

P. N. DAS GUPTA, Dy. Secy.

ORDERS

STAMPS

New Delhi, the 25th January 1956

S.R.O. 227.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits the duty with which the lease deed, dated the 13th December, 1955, executed by the High Commission for the United Kingdom in India in respect of the ground floor flat at 204, Golf Links Area, New Delhi, is chargeable under the said Act.

[No. 6.]

New Delhi, the 28th January 1956

S.R.O. 228.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits to the extent of 75% of duties chargeable under Schedule I to the said Act, on instruments by which properties in any Part C State in India are transferred by foreign Missions (Missionaries) to Indian Missions (Missionaries).

[No. 6.]

M. R. RAMACHANDRAN, Under Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 1st February 1956*

S.R.O. 229 [50/12/55-IT].—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that with effect from the 6th February, 1956 the following further amendments shall be made to its Notification No. 32-Income-tax, dated the 9th November, 1946, namely:—

In the schedule appended to the said Notification under the sub-heads “I—Madras”, “IX—Hyderabad” and “X—Mysore, Travancore-Cochin” respectively, for the existing Ranges and Income-tax Circles, the following Ranges and Income-tax Circles shall be substituted, namely:—

“I—MADRAS”*Madras “A” Range*

1. Madras Salaries Circle.
2. Estate Duty-cum-Income-tax Circle, Madras.
3. Special Survey Circle No. 1, Madras (in respect of persons who have their principal place of business in or reside in the Districts of Madras, Chingleput and Salem).
4. Salem Circle.
5. Kancheepuram Circle.

Madras “B” Range

1. Madras City Circle I.
2. Madras City Circle III.
3. Special Circle, Madras.
4. Madras (Special) Circle.
5. Madras Special (East) Circle.
6. Madras Special (North) Circle.
7. Madras Special (South) Circle.
8. Madras Special (Central) Circle.
9. Vellore Circle.
10. Erode Circle.
11. Special Survey Circle No. 1, Madras (in respect of persons who have their principal place of business in or reside in the North Arcot District).

Madras “C” Range

1. Madras City Circle II.
2. Madras City Circle IV.
3. Madras City Circle V.
4. Cuddalore Circle.
5. Nagapatnam Circle.
6. Tanjore Circle.
7. Central Circle I.
8. Central Circle II.
9. Special Survey Circle No. 1, Madras (in respect of persons who have their principal place of business in or reside in the Districts of South Arcot and Tanjore).

Madhurai Range

1. Madhurai Circle.
2. Madhurai (Special) Circle.
3. Special Survey Circle No. 2, Madhurai (in respect of persons who have their principal place of business in or reside in the Districts of Madhurai, Tirunelveli and Ramnad).

4. Virudhunagar Circle.
5. Tirunelveli Circle.
6. Tuticorin Circle.

Tiruchirapalli Range

1. Tiruchirapalli Circle.
2. Karaikudi Circle.
3. Pudukkottai Circle.
4. Special Survey Circle No. 2, Madhurai (in respect of persons who have their principal place of business in or reside in the District of Tiruchirapalli).

Coimbatore Range

1. Coimbatore Circle.
2. Special Survey Circle No. 3, Coimbatore (in respect of persons who have their principal place of business in or reside in the District of Coimbatore and Nilgiris).
3. Special Circle, Coimbatore.
4. Excess Profits Tax Circle, Coimbatore.
5. Excess Profits Tax Circle, Erode.
6. Dindigul Circle.
7. Ootacamund Circle.

Kozhikode Range

1. Kozhikode Circle.
2. Palghat Circle.
3. Mangalore Circle.
4. Special Survey Circle No. 3, Coibatore (in respect of persons who have their principal place of business in or reside in the Districts of Malabar and South Kanara).

"IX—HYDERABAD"

Hyderabad 'A' Range

1. A-Ward, Hyderabad.
2. B-Ward, Hyderabad.
3. E-Ward, Hyderabad.
4. Salary Circle, Hyderabad.
5. Aurangabad.
6. Latur.
7. Gulbarga.
8. Special Survey Circle, Hyderabad.

Hyderabad 'B' Range

1. Special Circle, Hyderabad.
2. C-Ward, Hyderabad.
3. D-Ward, Hyderabad.
4. Nanded.
5. Nizamabad.

Rajahmundry Range

1. Vizianagram
2. Visakhapatnam.
3. Kakinada.
4. Rajahmundry.
5. Eluru.
6. Masulipatnam.

Vijayawada Range

1. Vijayawada Circle.
2. Special Circle, Vijayawada.
3. Special Survey Circle, Vijayawada.
4. Tenali.
5. Bapatla.
6. Nellore.
7. Chittoor.
8. Guntur.
9. Warangal.
10. Khammameth.
11. Cuddapah.

Kurnool Range

1. Kurnool.
2. Salary Circle, Kurnool.
3. Ananthapur.
4. Adoni.
5. Raichur.

"X—MYSORE, TRAVANCORE-COCHIN"**"A" Range, Bangalore**

1. Urban Circle, Bangalore.
2. Mysore Circle.
3. Hassan Circle.
4. Davangere Circle.
5. Kolar Circle.
6. Coorg Circle, Mercara.
7. Special Investigation Branch, Bangalore.
8. Estate Duty-cum-Income-tax Circle, Bangalore.

"B" Range, Bangalore

1. Rural Circle, Bangalore.
2. Salary Circle, Bangalore.
3. Special Survey Circle, Bangalore.
4. Special Circle, Bangalore.
5. Shimoga Circle.
6. Tumkur Circle.
7. Bellary Circle.

"Trivandrum" Range

1. Trivandrum Circle.
2. Nagercoil Circle.
3. Quilon Circle.
4. Kottayam Circle.
5. Alleppey Circle.
6. Special Circle, Trivandrum.
7. Special Survey Circle, Mattancherry.
8. Ernakulam Circle, Ernakulam.
9. Trichur Circle.
10. Alwaye Circle.
11. Salary Circle, Ernakulam.
12. Mattancherry Circle.
13. Estate Duty-cum-Income-tax Circle, Ernakulam.

2. Where an Income-tax Circle stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle is transferred shall on and from the date of this Notification be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle is transferred.

[No. 7.]

M. S. SIVRAMKRISHNA, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

TEA CONTROL

New Delhi, the 24th January 1956

S.R.O. 230-231.—In pursuance of section 19 of the Tea Act, 1953 (29 of 1953), the Central Government hereby declares that the export allotment of tea for the financial year 1955-56 shall be 480 million pounds avoirdupois.

[No. 36(3) Plant/55.]

P. V. RAMASWAMY, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 21st January 1956

S.R.O. 232.—In pursuance of the provisions of Rule 13(4) of the Indian Cotton Cess Rules, 1923, framed under Section 15 of the Indian Cotton Cess Act, 1923 (No. XIV of 1923), the Central Government hereby publish the audited accounts of “Receipts and Expenditure” of the Indian Central Cotton Committee for the year ending 31st March, 1955, along with the auditor’s report.

PART I—AUDIT REPORT

The audit of the accounts of the Indian Central Cotton Committee, Bombay, for the year 1954-55 was conducted between 12th August, 1955 to 6th October, 1955. The following observations are made:—

2. During the current year, out of the total amount of Rs. 66,755 standing in the credit of the “Lapsed and Forfeiture Account” of the Committee’s Provident Fund, a sum of Rs. 50,000 was distributed amongst the members of the Fund in proportion to the Committee’s contribution standing to their credit on 31st March,

1955. Although the Committee's action in permitting the above distribution is covered by Rule 13 of the Provident Fund Rules, Government may perhaps consider whether an extraneous receipt of this kind may not be treated as Committee's receipt and more appropriately applied for the purpose of the Committee. If Government agrees with the view taken by audit, the deletion of Rule 13 of the Provident Fund Rules may be considered.

3. In their meeting dated 22nd March, 1955, the Standing Finance Sub-Committee delegated powers to the Director, Technological Laboratory, Matunga; to incur expenditure not exceeding Rs. 3,500 for individual items subject to budget provision.

Under clause 16(a) of the Indian Cotton Cess Act, 1923, the Committee can delegate any powers exercisable under the Act by the Committee to the Standing Finance Sub-Committee. It is doubtful whether the Sub-Committee can in turn redelegate these powers to any of its subordinate officers.

4. In Rule 10(2) of the Indian Cotton Cess Rules, 1923, it is laid down that the leave, pay and allowances to officers and servants of the Committee, who are not Government servants shall be regulated by the Committee. The Committee has neither framed its own rules nor adopted the Central Government Rules direct. But all establishment matters are dealt with under the relevant provisions in the Post and Telegraph compilation of Fundamental and Supplementary Rules. As the expression "so far as may be" in sub-rule 3 of the Rules referred to above does not make it obligatory on the Committee to follow Fundamental and Supplementary Rules, the Committee has many times deviated from the main rules and the audit has experienced considerable difficulties, particularly in the matters pertaining to fixation of pay etc. as no definite rules have been laid down with reference to which audit can be conducted. The Government may therefore give a final ruling in the matter by asking the Committee to either adopt the Government rules direct, or to frame their own rules. Instances of major deviations are given below for information of Government.

- (i) In spite of the fact that Committee can under Rule 9(4) of the Indian Cotton Cess Rules 1923, sanction posts, the maximum of which does not exceed Rs. 500 for a period not exceeding 5 years, the Sub-Committee has decided in a recent resolution dated 29th September, 1955 (Annexure I) that rules applicable to permanent Central Government servants should be made applicable to such staff with retrospective effect from the inception of the Committee. As such posts are sanctioned for a limited period not exceeding five years and are also temporary, the incumbents of such posts cannot be treated on par with Permanent Central Government Servants. It is however seen that pay of most of the persons on promotion has been fixed by treating them as permanent servants even prior to the Sub-Committee's decision referred to above. All fixation of pay cases will therefore eventually depend on whether or not Government agrees with this view.
- (ii) Pay was fixed under Auditor General's decision No. 3 below F.R. 22 in the case of Shree A. T. Raphael, Technical Assistant who held a temporary post in substantive capacity prior to his promotion although the decision requires that he should hold a permanent post substantively vide item 2 of Audit Note.
- (iii) Half pay leave is allowed to count for increments in the case of purely officiating and temporary servants in contravention of Government of India decision No. 2 below F.R. 26. (Vide item 1 of Audit Note.)

5. The Secretary, Indian Central Cotton Committee may be directed to pay provisionally an amount of Rs. 3,690 to the credit of the Government of India to the head "XLVI-Misc. Fees for Government Audit Central" as audit fee for the year and forward a chalan to this office in support of the credit.

6. An audit note on minor irregularities has been handed over in original, to the Secretary, Indian Central Cotton Committee for necessary further action.

ANNEXURE 1

"The Sub-Committee noted that under the Indian Cotton Cess Rules, the Committee can create posts only for periods of five years at a time. The posts created by the Committee are, therefore, renewable from time to time. This did not, however, take away the more or less permanent nature of the posts which are continuing for an indefinite period. The Sub-Committee, therefore, decided that such of the employees of the Committee as were appointed to posts which were renewable every five years might be governed by the rules applicable to permanent Central Government Servants with retrospective effect from the inception of the Committee, subject to such deviations as the Committee might make from time to time."

INDIAN CENTRAL COTTON COMMITTEE

Statement of Receipts and Payments for the year ended 31st March, 1955

RECEIPTS		PAYMENTS
	Rs.	Rs.
Opening Balance as on 1st April, 1954	44,24,065 8 8	Administration of the Committee :—
Sinking Fund A/C.	31,828 2 0	Including Improvement of Cotton Marketing, Printing, Publicity and Distribution and Travel- ling allowance of non-official members
Less :—Adjustment of suspense receipts of 1953-54	3,539 1 9	3,71,413 9 3
	44,52,354 8 11	
Receipts under Section 12 of the Indian Cotton Cess Act, 1923.	11,45,676 12 9	Agricultural Research Grants-in- aid :— (Including Research, seed and Marketing Schemes).
Other Receipts :—		10,09,618 4 7
Sale of Publications, sale of Cotton, miscellaneous Re- ceipts, fees for tests etc.	38,116 2 9	Technological Research
House rent recoveries from the Director, Technological Labo- ratory, Maturga	1,670 0 0	4,65,177 0 7
House rent recoveries from the Secretary, Indian Central Cot- ton Committee	1,864 13 0	Closing Balance*.
Suspense Receipts	1,416 9 0	38,96,198 5 8
	43,067 8 9	

Less :—Loss on sale of Securities.	13,171 14 6	29,895 10 6	
Interest on Investments . .		1,14,480 3 8	1,44,375 14 5
TOTAL . .		57,42,407 4 1	TOTAL . . 57,42,407 4 1
*Cotton Cess Cotton Fund		36,61,603 12 3 2,34,594 9 5	
		38,96,198 5 8	

(Sd.)
for Secretary,
Indian Central Cotton Committee.

(Sd.)
Superintendent (Finance & Audit),
Indian Central Cotton Committee.

Certified that the total expenditure incurred and receipts received by the Indian Central Cotton Committee, a body corporate established under the Indian Cotton Cess Act, 1923, and the Provident Fund Accounts, maintained by the Secretary, Indian Central Cotton Committee, Bombay, for the year 1954-55 were checked and found to be in order subject to remarks in the Audit Report.

(Sd.) SUBRAMANYAM,
Assistant Examiner,
Outside Audit Department.

INDIAN CENTRAL COTTON COMMITTEE

Provident Fund Account as on 31st March, 1955

RECEIPTS				PAYMENTS
	Rs.	Rs.	Rs.	Rs.
Opening Balance as on 1st April, 1954		9,77,944 8 5		
Subscribers' Contribution . . .	51,990 9 0			
<i>Add :—</i>				
Recoveries against advances . . .	34,699 15 0	86,690 8 0		
		10,64,635 0 5		
<i>Less :—Refunds to subscribers who have resigned . . .</i>	7,070 14 5			
Advances to subscribers . . .	37,640 0 0	44,710 14 5		
		10,19,924 2 0		
Committee's contributions received from the Indian Central Cotton Committee . . .	51,990 9 0			
<i>Less :—Payments made to sub- scribers who have resigned includ- ing transfer to Lapse and For- feiture A/C for contribution disallowed . . .</i>	6,775 1 1	45,215 7 11	10,65,139 9 11	
				3½% 1961 National Plan Bonds of the face value of Rs. 95,000/-
Interest received on investments . . .		13,108 5 0		3½% 1964 National Plan Loan of the face value of Rs. 30,000/-
Interest received on advance to Subscribers . . .		825 10 7		29,550 0 0
Income-Tax on Interest . . .		181 2 0		
		14,114 7 7		

Government securities at Market
value :—
4% 1960—70 Government of India
loan of the face value of Rs.
12,600/- . . .

12,836 4 0

3% 1970—75 Government of India
Loan of the face value of
Rs. 50,000/- . . .

43,468 12 0

4% 1964 Bombay State Govt.
Loan of the face value of
Rs. 30,000/- . . .

30,300 0 0

4% 1963 Bombay State Govt.
Loan of the face value of
Rs. 80,000/- . . .

1,04,650 0 0

3% 1952 Bombay Government
Development Loan of the face
value of Rs. 1,12,000/- . . .

80,700 0 0

3½% 1961 National Plan Bonds
of the face value of Rs. 95,000/-

94,584 6 0

<i>Less :—Interest paid during the year to subscribers who have resigned . . .</i>	198 13 0	Post office 12 years' National Savings Certificates . . .	6,07,500 0 0	
Bank's Commissioner, etc. for collection of interest . . .	16 8 6	Savings Bank account with the state Bank of India, Bombay . . .	344 II 3	
Interest paid at the time of purchase of Securities . . .	691 1 9	Current account with the State Bank of India, Bombay . . .	75,290 15 7	
	906 7 3	13,208 10 4	329 4 2	
<i>Lapses and Forfeitures account :—</i>				
Investment Fluctuation account (Appreciation in Market value of Securities) . . .		455 II 7		
Suspense Account . . .		91 12 10		
TOTAL		10,79,225 0 10	TOTAL	10,79,225 0 10

(Sd.)
for Secretary,
Indian Central Cotton Committee.

(Sd.)
Superintendent (Finance & Audit),
Indian Central Cotton Committee.

[No. F.1-86/55-Com.II.]
M. S. RANDHAWA, Addl. Secy.

New Delhi, the 23rd January 1956

S.R.O. 233.—In pursuance of the provisions of sub-section (e) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Madhya Bharat have re-nominated Shri N. Swami, I.A.S., Director of Industries, Madhya Bharat, Indore, as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956.

[No. F.6-3/56-Com.I.]

S.R.O. 234.—In pursuance of the provisions of sub-section (f) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Madhya Bharat have renominated Shri Rana Mansingh of Susaner, Distt. Shajapur (Madhya Bharat), as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956.

[No. F.6-4/56-Com.I.]

New Delhi, the 27th January 1956

S.R.O. 235.—In pursuance of the provisions of sub-section (e) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Bihar have nominated Shri B. P. Akhaury, Director of Agriculture, Bihar, Patna, as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956.

[No. F.6-3/56-Com.I.]

S.R.O. 236.—In pursuance of the provisions of sub-section (e) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Saurashtra have re-nominated Dr. B. S. Kadam, Director of Agriculture, Saurashtra, Rajkot, as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956.

[No. F.6-3/56-Com.I.]

S.R.O. 237.—In pursuance of the provisions of sub-section (f) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the Government of Saurashtra have nominated Shri Maldevji Odedra, Porbandar (Saurashtra), as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956.

[No. F.6-4/56-Com.I.]

MOKAND LALL, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 23rd January 1956

S.R.O. 238.—In pursuance of clause (ia) of sub-section (2) of section 5 of the Drugs Act, 1940 (XXIII of 1940), it is hereby notified for general information that the Drugs Controller (India) shall henceforth be an *ex-officio* member of the Drugs Technical Advisory Board.

[No. F.1-43/55-D.]

New Delhi, the 27th January 1956

S.R.O. 239.—The following draft of a certain further amendment to the Drugs Rules, 1945, which the Central Government proposes to make in exercise of the powers conferred by section 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 10th May, 1956.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said Rules, for the proviso to clause (4) of rule 65, the following proviso shall be substituted, namely:—

“Provided that this condition shall not apply:

- (a) to the supply of drugs specified in Schedule C or Schedule E or of preparations containing drugs specified in Schedule E, on the prescription of a registered medical practitioner, or
- (b) to the supply of drugs specified in Schedule C by way of wholesale dealing.”

[No. F.1-57/55-D.]

P. N. ANAND, Under Secy.

New Delhi-2, the 24th January 1956

S.R.O. 240.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Central Government hereby adds to the Schedule to the said act the name of the following public institution, namely:—

“The Central Institute of Research in Indigenous Systems of Medicine, Jamnagar.”

[No. F.8-23/54-MI.]

S.R.O. 241.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (XIX of 1925) the Central Government hereby directs that the provisions of the said Act shall apply to the provident fund established for the benefit of the employees of the Central Institute of Research in Indigenous Systems of Medicine, Jamnagar.

CENTRAL INSTITUTE OF RESEARCH IN INDIGENOUS SYSTEMS OF MEDICINE, JAMNAGAR

CONTRIBUTORY PROVIDENT FUND RULES

1. Short title and definitions.—(1) These rules may be called the Jamnagar Research Institute (Contributory Provident Fund) Rules, 1956.

(2) They shall be deemed to have come into force from the 1st April, 1954.

2. In these rules unless there is anything repugnant in the subject or context—

(1) ‘Director’ means the Director of Institute.

(2) ‘Emoluments’ means monthly substantive pay or leave salary.

(3) ‘Employee’ means a wholetime salaried officer or servant of the Institute, other than a person in the service of the Government whose services have been lent or transferred to the Institute.

(4) ‘Family’ means :—

(a) in the case of a male subscriber, the wife and children of a subscriber, and the widow and children of a deceased son of the subscriber:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber’s family in matters to which these rules relate unless the subscriber subsequently indicates by express notification in writing to the Director that she shall continue to be so regarded;

(b) in the case of a female subscriber, the husband and children of the subscriber and the widow and children of a deceased son of the subscriber:

Provided that if a subscriber by notification in writing to the Director expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber’s family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

NOTE I.—‘Children’ means legitimate children.

NOTE II.—An adopted child shall be considered to be a child when the Director or if any doubt arises in the mind of the Director, the Secretary to the Government of India in the Ministry of Law, or such officer as may be specified by him in this behalf, is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child, but in this case only.

(5) ‘Fund’ means the Provident Fund constituted and established by the Governing Body.

(6) ‘Governing Body’ means the Governing Body of the Institute.

(7) ‘Institute’ means the Central Institute of Research in Indigenous Systems of Medicine, Jamnagar.

(8) ‘Leave’ means any variety of leave granted under Supplementary Rule 285 or the Revised Leave Rules, 1933, with such modifications as the Governing Body may decide from time to time whichever may be applicable to the subscriber.

(9) ‘Year’ means financial year, i.e., from 1st April to 31st March.

(10) Any other expression which is defined either in the Provident Funds Act, 1925 (XIX of 1925) or in the Fundamental Rules, is used in the sense therein defined.

3. Constitution and Management of the Fund.—(1) The fund shall be deemed to have been constituted and established as from the 1st April, 1954, and shall be maintained in India in rupees.

(2) The Fund shall consist of:—

- (i) the subscriptions and contributions which are to be credited to the Fund in accordance with these rules.
- (ii) such additions as the Governing Body may, at any time or from time to time decide to make; and
- (iii) such interest as may accrue as a result of investment in the manner provided by sub-rule (3) of this rule.

(3) The Fund or any portion of the Fund, may at the discretion of the Governing Body be invested in one or more of the following ways, that is to say,

- (a) as a deposit in the Post Office Savings Bank;
- (b) as a fixed deposit in the Central Bank of India, Ltd.;
- (c) in securities of the Central or State Governments of India;
- (d) in Treasury bills;
- (e) in Municipal or Port Trust debentures.

4. The Fund shall be vested in and managed by the Governing Body.

5. (1) These rules shall apply to all employees of the Institute who apply to the Director to be allowed to subscribe to the Fund, except such employees as the Governing Body may in their discretion decide not to admit thereto.

(2) No employee shall be entitled to subscribe to the Fund in respect of any period prior to the month in which he makes the application referred to in sub-rule (1) of this rule.

6. Nomination.—(1) A subscriber shall, as soon as may be, after joining the Fund, send to the Director a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under sub-rule (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the Forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Director:

Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with provisions of this rule.

(5) A subscriber may provide in a nomination:—

(a) in respect of any specified nominee that in the event of his pre-deceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein; provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto, the

subscriber shall send to the Director a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Director.

7. Subscribers' Accounts.—An account shall be opened in the name of each subscriber in which shall be credited:—

- (i) the subscriber's subscriptions;
- (ii) contributions made under rule 11(i) by the Institute to his account;
- (iii) interest, as provided by rule 12, on subscriptions; and
- (iv) interest, as provided by rule 12, on contributions.

8. Conditions and Rates of Subscriptions.—(1) Every subscriber shall subscribe monthly to the Fund when on duty.

(2) A subscriber may, at his option, not subscribe during leave.

(3) A subscriber shall intimate his election not to subscribe during leave by written communication to the Director before he goes on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

(4) The amount of subscription to the Fund shall be an amount equal to 1/16th of a subscriber's emoluments rounded to the nearest whole rupee (eight annas counting as the next higher rupee):

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in that month.

10. Realisation of Subscriptions.—The Governing Body shall have the power to deduct from the emoluments of any subscriber the subscription due from him on account of such emoluments, and the principal of and interest on any advance made to him from the Fund.

11. Contribution by the Institute.—(1) The Institute shall with effect from the 31st March of each year make a contribution to the account of each subscriber:

Provided that if a subscriber quits the service or dies during a year the contribution shall be credited to his account for the period between the close of the preceding year and the date of his quitting the service or dying, as the case may be.

(2) The contribution shall be such percentage of the subscriber's emoluments drawn on duty during the year, or period as the case may be, as may be decided by the Governing Body subject to the condition that the rate of such contribution shall not exceed that prescribed by the Central Government under clause (2) of rule 10 of the Contributory Provident Fund Rules (India).

(3) If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India, shall, for the purpose of this rule be deemed to be emoluments drawn on duty.

(4) Should a subscriber elect to subscribe during leave, his leave salary for the purposes of this rule be deemed to be emoluments drawn on duty.

(5) The amount of contribution payable under this rule shall be rounded to the nearest whole rupee (eight annas counting as the next higher rupee).

12. Interest.—(1) The Governing Body shall pay to the credit of the account of a subscriber interest at such rate not exceeding that prescribed by the Central Government for the payment of interest on subscriptions to the General Provident Fund, as the Governing Body may, from time to time, prescribe, on the amount at his credit in the Fund.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner:—

- (i) on the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year—interest for 12 months;
- (ii) on sums withdrawn during the current year—interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;
- (iii) on all sums credited to the subscriber's account after the 31st March of the preceding year—interest from the date of deposit upto the 31st March of the current year;
- (iv) the total amount of interest shall be rounded to the nearest whole rupee (eight annas counting as the next higher rupee):

Provided that when the amount standing at the credit of a subscriber has become payable interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of the subscriber became payable.

(3) For the purposes of this rule the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered.

(4) In addition to any amount to be paid under rule 19, interest thereon upto the end of the month preceding that in which payment is made, or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that no interest shall be paid in respect of any period after the date which the Director has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.

(5) Interest shall not be credited to the account of a Mohommedan subscriber if he informs the Director that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

ADVANCE FROM THE FUND

13. (1) A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the Governing Body, who may delegate their power in this respect to the Director of the Institute.

(2) A temporary advance may be granted by the authority specified in sub-rule (1) of this rule, subject to the following conditions, namely:—

- (a) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expected on the following object or objects and not otherwise,—
 - (i) to pay expenses incurred in connection with the prolonged illness of the applicant or any person actually dependant on him;
 - (ii) to pay obligatory expenses on a scale appropriate to the applicant's status in connection with marriages, funerals or ceremonies which by his religion it is incumbent on him to perform.
 - (iii) to meet the cost of education of a subscriber or of any person actually dependent on him for education outside India, whether for an academic, technical, professional or vocational course, or for medical, engineering, and other technical or specialised courses in India beyond the High School stage, provided that the Course of study is not less than three years, including the cost of passages.

(b) the advance shall not, save in exceptional cases, for reasons to be recorded in writing by that authority, exceed three months' emoluments and shall, in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund at the time when the advance is granted.

(c) the sanctioning authority shall record in writing its reasons for granting the advance:

Provided that if the reasons are of a confidential nature, they may be communicated by the subscriber to the Director personally and/or confidentially.

14. An advance shall not except for special reasons to be recorded in writing by the sanctioning authority be granted under rule 13 until 12 months after the final repayment of the previous advance together with the interest thereon.

15. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalment as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his option, make repayment of a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees.

(2) Recovery shall be made in the manner provided in rule 10, and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is on leave and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) (a) after the principal of the advance has been fully repaid, interest shall be paid thereon at rate of one fifth per cent. of the principal of each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that Mahomedan subscribers whose deposit in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred in clause (a) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2) of this rule payment shall be rounded to the nearest whole rupee (eight annas counting as the next higher rupee).

(4) Recoveries made under this rule shall be credited, as they are made to the account of the subscriber in the Fund.

16. **Circumstances in which accumulations are payable.**—When a subscriber quits the service of the Institute the amount standing to his credit in the Fund shall, subject to any deduction under rule 18, become payable to him.

17. Subject to any deduction under rule 18 on the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made—

(i) when a subscriber leaves a family—

(a) if a nomination made by the subscriber in accordance with the provisions of rule 6 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal share:

Provided that no share shall be payable to:—

- (1) sons who have attained legal majority;
- (2) sons of a deceased son who have attained legal majority;
- (3) married daughters whose husbands are alive;
- (4) married daughters of a deceased son whose husbands are alive, if there is any member of the family other than those specified in clauses (1), (2), (3) and (4) of this rule;

Provided also that the widow and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso to this rule.

NOTE.—Any sum payable under this rule to a member of the family of a subscriber vests in such member under sub-section (2) of Section 3 of the Provident Fund Act, 1925 (XIX of 1925);

- (ii) If the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 6 in favour of any person or persons subsists the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

NOTE I.—When a nominee is a dependant of the subscriber as defined in clause (c) of section 2 of the Provident Fund Act, 1925 (XIX of 1925), the amount vests in such nominee under sub-section (2) of section 3 of that Act.

NOTE II.—When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 6 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Fund Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

18. Deductions.—Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Governing Body with interest thereon credited under rule 11, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the Governing Body may direct the deduction therefrom and payment to the Institute of—

- (a) any amount if a subscriber has been dismissed from the service for grave misconduct:

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement as an employee of the Institute, be replaced at his credit in the Fund;

- (b) any amount, if a subscriber resigns his employment under the Institute within five years of the commencement thereof, otherwise than by reason of a declaration by a medical authority approved by the Governing Body, that he is unfit for further service;

- (c) any amount due under liability incurred by the subscriber to the Institute.

19. Payment.—(1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under rule 18, becomes payable it shall be the duty of the Director after satisfying himself, when no such deduction has been directed under these Rules that no deduction is to be made, to make payment as provided in section 4 of the Provident Fund Act, 1925 (XIX of 1925).

(2) If the person to whom, under these rules, any amount is to be paid is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912 (IV of 1912), the payment will be made to such manager, and not to the lunatic.

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Director. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payments in India.

20. Procedure.—(1) All sums paid into and from the Fund under these rules shall be accounted for in the books of the Director in an account named "Central Institute of Research in Indigenous Systems of Medicine (C.I.R.I.S.M.) Provident Fund Account".

(2) Such account shall be examined and audited by the Comptroller, Saurashtra in accordance with rule 25 of the Rules and Regulations of the Institute.

(3) All expenses of the Fund shall be met by the Institute in such manner as the Governing Body may direct.

(4) The custody and disbursement of the Fund shall be regulated by the Rules and Regulations of the Institute in the same manner as the Funds of the Institute.

21. (1) As soon as possible, after the 31st March of each year, the Director shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Director shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make an alteration in any nomination made under rule 6;

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of rule 6.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Director within six months of the date of receipt of the statement.

22. The Director shall if required by a subscriber, once, but not more than once, inform a subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

23. If any doubt arises as to the interpretation of these rules, the matter shall be referred to the Governing Body whose decision shall be final and binding on the subscribers.

24. Every subscriber shall sign an agreement in the form set forth in the Second Schedule agreeing to abide and be bound by the rules as in force for the time being.

25. (1) The Fund may be wound up—

(a) If the institute be dissolved, or if it be amalgamated with any other Association or Society, or

(b) by resolution of the Governing Body approved by the Central Government.

(2) On the winding up of the Fund, the assets shall be realised and distributed amongst subscribers in accordance with their accounts.

26. No amendments to these rules shall be made without the previous sanction of the Central Government.

CENTRAL INSTITUTE OF RESEARCH IN INDIGENOUS SYSTEMS OF MEDICINE, JAMNAGAR.

CONTRIBUTORY PROVIDENT FUND

FORM I

First Schedule [Rule 6(3)]

Depositor No.

Subscriber's Nomination

When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below who is a member of my family as defined in rule 2 of the Jamnagar Research Institute (Contributory Provident Fund) Rules, 1956 to receive the amount that may stand to my credit in the Fund.

in the event of my death before that amount has become payable, or having become payable has not been paid:—

Name and address of nominee	Relationship with the subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber
Name:				Name:
Address:				Address:
				Relationship

Dated this day of

at

Two witnesses to signature

Signature of subscriber

1. Name

2. Name

Occupation

Occupation

Address

Address

CENTRAL INSTITUTE OF RESEARCH IN INDIGENOUS SYSTEMS, OF MEDICINE, JAMNAGAR

CONTRIBUTORY PROVIDENT FUND

First Schedule [Rule 6(3)]

FORM-II.

Depositor No.

Subscriber's Nomination

When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below who are members of my family as defined in rule 2 of the Jamnagar Research Institute (Contributory Provident Fund) Rules, 1956 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber
Name:					Name:
Address:					Address:
					Relationship

N. B.—The subscriber should draw line across the blank space below his last entry to prevent insertion of any names after he has signed.

Dated this day of

at

Signature of subscriber.

Two witnesses to signature

1. Name

2. Name

Occupation

Occupation

Address

Address

*This column should be filled in so as to cover the whole amount that may stand at the credit of the subscriber in the fund at any time.

event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

Name and address of nominee	Relationship with subscriber	Age	*Amount or share of accumulation to be paid to each	†Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his pre-deceasing the subscriber
Name					Name
Address					Address
Relationship					

N.B.—The subscriber should draw lines across the blank space below his last entry to prevent the insertion of any names after he has signed.

Dated this day of at

Two witnesses to signature.

1. Name
Occupation
Address

Signature of subscriber.
2. Name
Occupation
Address

*This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

+Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

CENTRAL INSTITUTE OF RESEARCH IN INDIGENOUS SYSTEMS OF MEDICINE, JAMNAGAR.

CONTRIBUTORY PROVIDENT FUND

Second Schedule (Rule 24)

Form of Agreement

I hereby declare that I have read the Jamnagar Research (Contributory Provident Fund) Rules, 1956 and that I agree to abide and be bound by them.

Dated..... day of year

Name in full.....

Date of birth.....

Date of joining appointment.....

Nature of appointment.....

Salary per mensem..... Rupees.

Signature.....

Designation.....

Address.....

Station.....

Date.....

Witnesses:

(1) Name.....

Address.....

.....

Occupation.....

(2) Name.....

Address.....

.....

Occupation.....

[No. F.8-23/54-Med.]

K. BIHARI, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 24th January 1956

S.R.O. 242.—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following amendments shall be made in the rules to regulate the granting of Certificates of Competency to Masters and Mates in the Mercantile Marine published with the notification of the Government of India in the Ministry of Transport No. S.R.O. 1965, dated the 12th June 1954, namely:—

In the said rules:—

1. Before the word "For" in the footnote at page 6 of the Rules the mark "*" shall be inserted.
2. In rule 31(d) of appendix E, for the abbreviation "...—...", the abbreviation "....." shall be substituted.
3. In the concluding portion of question No. 1 under MAGNETIC AND GYRO COMPASS of Specimen set of examination papers for Master (foreign-going) in appendix K, for the word "deviations", the word "deviation" shall be substituted.
4. In line 8 of question No. 1 under ELEMENTARY SHIP KNOWLEDGE of Appendix K, for the figures and words "850, 3975:3 1100, 1250 and 1400 tons respectively", the figures and words "850, 975, 1100, 1250 and 1400 tons respectively" shall be substituted.

[No. 67-MA(18)/55.]

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 25th January 1956

S.R.O. 243.—In exercise of the powers conferred by rules 3 and 4 of the Control of Shipping (Rates) Rules, 1949, the Central Government hereby constitutes a Shipping Rates Advisory Board consisting of Shri N. S. Lokur, Chairman, Railway Rates Tribunal, to examine and report on the proposal of the Bombay Steam Navigation Co., (1953) Ltd., Bombay, to increase the passenger fares in the Konkan trade taking into account the various considerations relating to their increased operational costs, the need to build up reserves or meet additional depreciation, cost of replacement of their overaged vessels, loss of revenue on account of suspension of their Panjim service etc., and also the requests of the various passengers' associations like the Konkan Deck Passengers' Association etc., for a reduction in the existing level of fares.

2. The Board shall submit its report within four weeks from the date it starts functioning.

[No. 35-MS(1)/56.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

New Delhi, the 25th January 1956

S.R.O. 244.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby makes the following amendment in the Mineral Concession Rules, 1949, namely:—

In clause (ii) of rule 3 of the said Rules, after the word "gravel" the words "Chalcedony pebbles" shall be inserted.

[No. MII-152(269)/53.]

R. N. VASUDEVA, Dy. Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 30th January 1956

S.R.O. 245.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government makes the following amendment to the Indian Wireless Telegraphy (Commercial Radio Operators Certificates of Proficiency and Licence to operate Wireless Telegraphy) Rules, 1954, namely :—

In paragraph 5 of Appendix IV to Annexure II to the said rules for the words "Until further orders the practical tests will be conducted on the apparatus listed below", the words "The practical tests will be conducted on the apparatus listed below or on any other type of Maritime and Aero-mobile apparatus which has been approved by the Central Government" shall be substituted.

[No. WE-3/15/54.]

T. R. MANTAN, Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 27th January 1956

S.R.O. 246.—In exercise of the powers conferred by clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954) the Central Government hereby rescinds the notification of the Government of India in this Ministry of Rehabilitation letter No. F. 10(92)SI/55 dated the 29th June, 1955.

[No. 27/10/55-SII.]

M. L. PURI, Under Secy.

New Delhi, the 27th January 1956

S.R.O. 247.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints in consultation with the Custodian General of Evacuee Property for the State of Delhi, Shri R. L. Gupta, Assistant Settlement Commissioner in the office of the Regional Settlement Commissioner, Delhi, as *ex-officio* Deputy Custodian of Evacuee Property, for the purpose of discharging the duties imposed on the Custodian, by or under the said Act, with effect from the 1st February, 1956.

[No. XVI-21(1)/56-Prop. II.]

J. J. KARAM, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 24th January 1956

S.R.O. 248.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the Dehri Rohtas Light Railway Company Limited, Dalmianagar, and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 15 OF 1954

PRESENT

Shri P. S. Bindra, B.A.LL.B., Chairman.

PARTIES

Management in relation to the Dehri Rohtas Light Railway Co. Limited

AND

their workmen.

APPEARANCES

For the management.—Shri Shyamal Agarwal.*For the workmen.*—Shri Shibnath Banerjee and Shri G. D. Bajpai.

AWARD

By Government of India, Ministry of Labour, Order No. S.R.O. 3278 dated 19th October 1954 and subsequent Order No. 599 dated 11th March 1955, the Industrial dispute between the Dehri Rohtas Light Railway Company Limited, Dalmianagar, and the Dehri Rohtas Light Railway Employees' Union, representing the majority of the workmen, has been referred to this Tribunal for adjudication.

ISSUE No. 1

2. Six months bonus for the year 1953-54 be paid to all the employees according to the period they have served irrespective of any service restrictions. Those who retired after having served even part of the period under question last year should also be eligible to get bonus.

On behalf of the management Shri Talwar, a Chartered Accountant has prepared the statements marked 1 to 10 (exhibits 391, 392, 393, 394, 395 and 396 respectively) which show a deficit of Rs. 3,56,382 instead of showing any surplus from which any bonus can be awarded. Shri Talwar however modified this figure when examined as a witness and stated that he had calculated income tax on the sum of Rs. 9,47,477 which came to Rs. 4,11,560 but that he failed to deduct the Statutory Depreciation amounting to Rs. 5,02,659 from the sum of Rs. 9,47,477 and that thus the tax due will be Rs. 1,93,217 instead of Rs. 4,11,560 and the nett deficiency will stand at Rs. 1,38,021 instead of Rs. 3,56,382. The company has examined Shri Talwar, Chartered Accountant, Shri Chetanlal Jain, Accountant of the Company, and Shri Gulati, General Manager of the Railway to support the statements marked 1 to 10. These witnesses were cross-examined at length and the company also placed at the disposal of the workmen all its account books which were checked by the workmen for three days but not a single discrepancy has been pointed out. The company produced the vouchers to support the entries. Shri Bajpai has also not attached the correctness of the accounts maintained by the company during the course of his arguments. Shri Bajpai has however during the course of his arguments filed the statements marked A, B, C, D and E to show that a surplus is available for the grant of bonus. There is however a basic error in the method of calculation adopted by Shri Bajpai. In Order to find out rehabilitation charges he has divided locomotives, goods stock, coaching stock, buildings and machinery, into two sets, one pre 1947 and the other as post 1947. For the period of post 1947 he has not taken into account the current prices but has taken the value of stock at which they were purchased after 1947. No multiple has been used for the stock purchased after 1947 though the usual multiple of 2·25 in case of buildings and 2·5 in the case of machinery has been used for purchases prior to 1947. The management has proved on record the present prices of the locomotives and the other rolling stock and I see no reason why the actual current prices which the company has proved, should not be taken into account for rehabilitation and why the calculations should be made on the basis of old prices. Shri Bajpai has however relied upon on the Full Bench case reported as 1950-II-L.L.J. 1247, but I do not think it supports the proposition put forward by Shri Bajpai. As the statements prepared by him are basically wrong, they cannot be relied upon to find out the rehabilitation charges.

3. Shri Talwar has prepared statement No. 1 regarding the locomotives which shows the company has got 13 locomotives. The year of make is given in each case and the normal life is calculated at 35 years. The replacement cost is mentioned against each locomotive. Shri Bajpai has accepted the normal life of a locomotive as 35 years. Shri Talwar has pointed out that so far as locomotives numbered as 3, 5, and 6 are concerned whose price is mentioned as Rs. 1,76,000, each there is a quotation from William Jacks & Co. Ltd. dated 27th May 1955 marked Exhibit 370 which shows that the price F.O.R. Calcutta is Rs. 1,73,750 adding the usual transport charges to it, the price comes to Rs. 1,76,000 each which has been shown in statement No. 1. He has also pointed out that there is another quotation from Steam & Mining Equipment (India) Limited, Calcutta dated 9th March 1955 marked Exhibit 372, wherein against item C the price at the British Port is shown as £ 9625. After adding the other charges mentioned therein the price comes to almost the same amount. Regarding the engines numbered as 7, 8, 9 and 10 which are ZB locomotives, they were recently purchased by the company and the price shown in the statement is supported by Exhibit 373. So far as the locomotives numbered as 1, 2, 11, 12 and 13 are concerned which are Tank type, their price is shown as Rs. 60,000 each. In support of this, there is a quotation of Poddar Brothers dated 11th September 1954 marked Exhibit 369 which is a quotation for 2 feet gauge diesel locomotive but not a steam locomotive for which we have to assess the price. The price is quoted for a locomotive having gauge of 2 feet while the locomotives in dispute are of 2 feet 6 inches gauge. Considering the fact that diesel engines are more costly, the price quoted by Poddar Brothers is cut down by 25 per cent which gives the value at about Rs. 60,000. Taking the average normal life as 35 years, these engines will have to be replaced within a period of 11 years. So the sum of Rs. 20,20,000 will have to be found within a period of 11 years. Thus the rehabilitation cost of locomotives comes to as follows:—

	Rs.
Replacement cost	20,20,000
Deduct depreciation reserve	3,96,000
Balance	<u>16,24,000</u>
Deduct reserves	1,92,000
Balance	<u>14,32,000</u>

This sum will be required in 11 years, so annual rehabilitation share comes to Rs. 1,30,181.

4. So far as the goods stock is concerned, the position is shown by statement No. 2 marked Exhibit 388. The average life of the goods stock is taken as 20 years by the company but Shri Bajpai has argued that it should be 30 years and be based his argument on page 183 of Conference Rules, Part III issued by the Indian Railway Conference Association. Three categories of wagons are shown at page 183. The life of wooden vehicle is shown as 15 years, of iron and steel vehicles as 30 years and of all other vehicles including wooden vehicles or wagons with steel under-frames is shown as 20 years. Shri Bajpai says that these wagons fall under category No. 2 and therefore their average life should be taken as 30 years. The management on the other hand, has replied that the price of the steel vehicles whose life is 30 years is Rs. 14,850 and Rs. 17,250 without wheels and axles, as will be evident from the quotations of the Railway Board dated 19th November 1955 marked Exhibit 386. The price of the wheels and axles is about Rs. 3,000 and so a steel wagon which lasts for 30 years costs about Rs. 20,000 but the company has charged Rs. 4,000 only for each wagon. This has been done in view of the fact that these wagons are manufactured by the company itself. Considering that the price charged by the company is about 20 per cent. of the price of the wagons which last 30 years, the company is well within its rights to calculate the average life of these wagons at 20 years and not more. Thus the rehabilitation cost of the goods stock comes to:

	Rs.
Replacement cost	18,45,000
Deduct depreciation reserve	4,16,000
Deduct the reserves	<u>14,29,000</u>
	<u>2,13,800</u>
	<u>12,15,200</u>

The future life of these wagons at the average comes to 13 years. So this sum of Rs. 12,15,200 will have to be provided for within a period of 13 years and thus the sum required would be Rs. 93,477.

5. Statement No. 3 shows the position of the coaching stock. So far as the price factor is concerned, it is borne out by the letter from the Chief Mechanical Engineer, Northern Railway, dated 13th October, 1955 marked Exhibit 382. The company has calculated the average life at 20 years but I think it is wrong and should be taken at 30 years. A perusal of Exhibit 382 will reveal that the normal life of coaching stock is shown as 30 years. If the normal life is taken as 30 years then 7 years will be required to replace the stock. Hence rehabilitation cost for coaching stock comes to as follows:—

	Rs.
Replacement cost	6,91,300
Deduct depreciation reserve	<u>75,000</u>
	6,16,300
Deduct reserves	<u>1,49,200</u>
	4,67,100

The period required for rehabilitation being 7 years, the amount comes to Rs. 66,700.

Replacement cost for locomotives, goods stock, and coaching stock comes to:—

	Rs.
Locomotives	1,30,181
Goods stock	93,477
Coaching stock	<u>66,700</u>
	2,90,358

6. Statement No. 5 shows the replacement cost regarding buildings and machinery. The cost has been taken per balance sheet as on 31st March 1954 and for working out the replacement cost, the multiple of 2.25 has been used regarding buildings and 2.5 regarding machinery. After deducting Rs. 68,000 for building and Rs. 41,000 for machinery, out of the depreciation reserves provided for in the accounts and deducting Rs. 83,000 for building and Rs. 36,000 for machinery out of the reserves available, the net amount of rehabilitation required for buildings comes to Rs. 6,95,000 and for machinery Rs. 3,38,000. So far as the life of the buildings is concerned, it is pointed out that these buildings are of third class type. Even if they are taken to be of second class type, their life would not be more than 50 to 55 years. These buildings were constructed round about 1910 and 44 years have already passed. This sum has to be provided for in another ten years. Thus the annual share of rehabilitation would come to Rs. 70,000 in case of buildings and Rs. 34,000 in the case of machinery.

7. Statement No. 6 shows the replacement cost in respect of permanent way, sidings and bridges etc. The cost of rails is based on a circular letter from the Ministry of Commerce and Industry (Iron and Steel Control) Calcutta, dated 29th March 1954 marked Exhibit 384. Item No. 11 shows the price of 30 lb. rails as Rs. 411. Circular letter of 2 of 1955 marked Exhibit 385 which is dated 1st October 1955 shows that the price has now risen to Rs. 535 but the management has calculated at the old rate of Rs. 411. The life of the rails according to the letter of the Chief Engineer, Eastern Railway, Calcutta, dated 26th September 1955 (marked Exhibit 383) is 60 years in case of rails and fastenings, 12 years in case of sleepers wood, and 40 years in case of permanent way points and crossings. There appears to be no mistake regarding statement No. 6 and it shows that the sum of Rs. 1,95,000 is required for rehabilitation of permanent way, sidings, bridges etc.

8. The allocation of the amount of capital and general reserves is shown in statement No. 8 (Exhibit 394). So far as the allocation of depreciation reserve is concerned, it has been allocated as follows:—

	Rs.
(i) Statement No. 4 regarding locomotives, goods stock and coaching stock	8,87,000
(ii) Statement No. 5 regarding buildings and machinery	68,000
(iii) Statement No. 6 regarding permanent way, siding, bridges, etc.	8,22,000
(iv) Statement No. 7 regarding cars	<u>10,000</u>
TOTAL	18,28,000

9. In fact Rs. 13,90,659 which was the Depreciation Reserve at the beginning of the year should have been accounted for. Shri Talwar has pointed out that by mistake he has allocated Rs. 18,28,000 instead of Rs. 13,90,000 out of Depreciation Reserve. This balance of about Rs. 4,40,000 can be set off against breakdown value which is usually taken at 5 per cent. This amount is much more than the breakdown value.

10. Hence the net result is as follows:—

	Rs
Net profit for the year ending 31st March, 1954 as per Profit and Loss account	4,67,014
Add the amount of depreciation provided and charged in the accounts .	<u>4,67,500</u>
Deduct managing agents commission not included in the net profit shown above	9,34,514 <u>54,576</u>
Add amount of tax in respect of previous year charged this year	8,79,938 <u>67,539</u>
TOTAL—PROFITS	<u>9,47,477</u>

Amount required for annual rehabilitation comes to :—

Locomotives, goods stock, and coaching stock as mentioned above	2,90,358
Buildings & Machinery	1,04,000
Permanent way, sidings, etc.	1,95,000
Cars and conveyance statement No. 7	3,000
TOTAL	<u>5,92,358</u>

The amount required for taxes comes to :—

Profits	4,67,014
Add depreciation provided for	<u>4,67,500</u>
Deduct managing agents commission	<u>54,576</u>
Add Bonus	8,79,938 <u>67,539</u>
Deduct statutory depreciation <i>vide</i> Exhibit 32	<u>9,47,477</u> 5,02,659
Income tax and corporation tax on the above sum comes to	4,44,818 <u>1,93,217</u>

11. Interest on subscribed capital has to be calculated at 6 per cent. which is a usual rate allowed in almost all industries. I may point out that the shares issued by the company do not include any bonus shares. So this amount of 6 per cent. cannot be reduced to 5 per cent. as contended by Shri Bajpai. Calculating at 6 per cent. the interest on paid up capital comes to Rs. 1,35,000.

So far as the interest on reserves employed in business is concerned the position is as follows:—

	Rs.
Capital reserve	1,50,000
General reserve	10,25,000
Depreciation reserve	13,90,659
Deduct investment amount	25,65,659
(page 7 of the balance sheet)	<u>5,361</u>
	<u>25,60,298</u>

The evidence of Shri Talwar and Shri C. L. Jain shows that all this amount was utilised as working capital throughout the year. It has been argued by Shri Bajpai that the day to day income of the company can meet the daily expenses, so there was no need to employ capital reserve or depreciation reserve as working capital. A look at the balance sheet will reveal that while the subscribed capital comes to about rupees twentythree lakhs, the amount invested in fixed assets comes to about rupees fiftyfive lakhs. The balance has to be met from the reserves. The company had also to take loans and page 6 of the balance sheet reveals that there were Mortgage Debentures at 5½ per cent of the value of rupees fifteen lakhs. Under the circumstances, I am of opinion that the total amount of reserves was employed as working capital and I allow 4 per cent interest on the amount of reserves employed as working capital, as the modern trend is 4 per cent and not 2 or 3 per cent. Calculating at the rate of 4 per cent, interest on reserves employed as working capital comes to Rs. 1,02,408.

12. Thus the overall picture is as follows:—

	Rs.
Total profit as shown above	9,47,477
Annual share for rehabilitation	5,92,358
Taxes	1,93,217
Interest on paid-up capital	1,35,000
Interest on reserves employed in business	1,02,408
Depreciation on assets other than included in the annual share of rehabilitation	7,871
	<hr/>
	10,30,854

So there will be a deficiency to the extent of Rs. 83,377 (Rs. 10,30,854 minus Rs. 9,47,477). This shows that instead of leaving any surplus, there is a net deficiency of about Rs. 83,000 after meeting the usual prior charges, so no claim for bonus can be entertained.

13. Issues Nos. 2 and 3 are hereby dealt with together.

ISSUE NO. 2

The existing dearness allowance should be merged with the basic salary of all the employees and a flat rate increment of Rs. 15 should be given to all with effect from 1st April, 1954.

ISSUE NO. 3

Revision of present grades as put in annexure 'A'.

The union has claimed merger of dearness allowance with basic salary a flat rate of increment to the extent of Rs. 15 per mensem and also the revision of the present grades as put in annexure 'A'. The management has replied that no other Light Railway has so far merged dearness allowance with the basic wages and that it will upset the whole wage structure. The management has also quoted 1955—L.A.C. 95 which supports the management. As regards increments, it is pointed out that the basic wage has been increased by 150 per cent from the year 1944 viz. from Rs. 12 to Rs. 30 in case of minimum paid labour and from Rs. 20 to Rs. 50 in the case of clerks, whereas the increase in the cost of living has been only 50 per cent from 1944. The position has been amplified in annexures 'A' and 'B' attached to the written statement. The perusal of annexure 'A' will show that in the case of unskilled workmen in the year 1944-45 the total emoluments (minimum wages, dearness allowance and ration allowance) came to Rs. 21 which were increased to Rs. 30 in the year 1946-47 vide agreement, dated 25th October, 1946. In the year 1947-48 the emoluments were increased to Rs. 37 vide agreement, dated 29th May, 1947, and they were further increased to Rs. 45 vide agreement, dated 19-12-1947 and further increase to Rs. 52 was made in the year 1948-49 vide agreement, dated 24-11-1948. In the year 1950-51 they were increased to Rs. 55 vide award given by the Chairman, Industrial Tribunal, Dhanbad, dated 16th August, 1951, and they were further increased to Rs. 60 in the year 1952-53 by virtue of the award of this Tribunal, dated 27th August 1952. Similarly by virtue of various agreements and the two awards, the emoluments of the staff were raised from Rs. 29 in the year 1944-45 to Rs. 85 in the year 1952-53. It is a settled principle of law that the wage standard fixed by award cannot be changed unless there is change of circumstances. Either there should be a rise in the cost of living or the balance sheet of the company should reveal greater profits. In the

present case the company declared a dividend of 6½ per cent. in the year 1951-52 and the same sum of dividend in the year 1952-53. In the year 1953-54 it declared a dividend of 7 1/2 per cent. So the financial position of the company is slightly better this year. But one year's rise in profits is not sufficient to warrant a general rise in wages. Of course slight adjustments can be made to meet the present requirements. The management has placed a comparative chart on the record, marked Exhibit 360. This chart gives the grades prevalent in the present railway, the grades demanded by the Union, the rates prevalent in the Martin Light Railway, and Bengal Provincial Light Railway. The rates of Bengal Light Railway are very low and have to be ignored. A fair comparison can be made with the Martin Light Railway. Except the starting salary of clerks, I find that the rates of wages in the present railway, fairly compare with those of the Martin Light Railway. In some cases, wages given by the Martin Light Railway are slightly higher but in other cases they are lower than the wages paid by this railway. As already pointed out, the only marked difference is in the case of starting salary of clerks. A clerk of 'A' grade starts with Rs. 50, gets an increment of Rs. 3 and goes upto Rs. 80. A clerk of 'B' grade starts with Rs. 50, gets an increment of Rs. 5 and goes upto Rs. 100. A clerk of 'C' grade starts with Rs. 60 and goes upto Rs. 120 while a 'D' grade clerk starts with Rs. 80 and goes upto Rs. 150. Clerks are also given house allowance varying from Rs. 10 to Rs. 18 per mensem according to their grade of salary. In case of Martin Light Railway there are two grades of clerks. The first grade starts at Rs. 60, with an increment of Rs. 3 and goes upto Rs. 90 and the second grade starts from Rs. 90 and goes upto Rs. 130 with an increment of Rs. 4. Considering the financial position of the company, I think the company can afford to raise the starting salary of clerks from Rs. 50 to Rs. 60. So 'A' grade will be Rs. 60-3-81, and 'B' grade will be Rs. 60-5-100, while the other grades will remain the same. They will continue to draw the house allowance as granted these days. No clerk will get lesser pay than what he is drawing at present on account of the revision of the 'A' and 'B' grade of the clerks. Clerks drawing less than Rs. 50 will be given Rs. 60 as basic salary. I do not think that any other change in the wage structure is warranted. No case is made out for increase in the dearness allowance. The merger of dearness allowance with basic salary is out of question as it will upset the whole wage structure.

ISSUE No. 4

14. (a) Confirmation of service should be made after six months after the date of appointment and those who have already completed six months should be treated as confirmed in all respects.

(b) Chance for promotion as well as for officiating should be accorded to the senior-most and period of seniority in service should be considered from the date of appointment not from the date of confirmation. Those cases, in which, claims of the Senior Employees for promotion have been superseded and the junior employees have been favoured with, should be reconsidered and the senior either be given promotion or suitable compensation without causing any loss to the juniors concerned.

The confirmation of service is governed by Standing Orders of the company marked Exhibit 36. It is laid down that ordinarily confirmation shall be made on the completion of the probation period fixed for each candidate and that ordinarily this period shall not exceed one year. I do not think there is any valid reason for reducing the period of one year. The management has filed a list marked Exhibit 43 showing several persons who have served for more than one year but have not been confirmed. The management has said that either they were engaged temporarily or were the persons who were employed on daily wage for temporary works carried on at the instance of their clients who wanted railway sidings etc. to be constructed by the management for them. In this connection, it will be suffice to lay down that temporary posts should not exceed 10 per cent. of the total posts. Of course, for carrying on temporary works casual labour will have to be employed from time to time which cannot be made permanent.

The contention of the union that seniority should count from the date of the appointment and not from the date of confirmation cannot be conceded as even in Government service seniority starts from the date of confirmation and not from the date of appointment. The cases of promotion cannot be reviewed as promotion is a matter which entirely rests with the management, unless there is an allegation about victimisation, which is wanting in the present cases.

ISSUE No. 5

15. Previous agreements with regard to allowance, service regulation, uniform and other remuneration should be implemented.

This relates to the implementation of certain agreements with which this Tribunal has got nothing to do. There is a separate machinery provided for the purpose.

ISSUE No. 6

16. Quarter allowance should be given to all the employees according to their salary and sufficient arrangement for quarters for essential and needy employees should be made as early as possible.

Housing is primarily the liability of the State and the company is doing its best. Almost all the members of the essential staff are provided with quarters failing which house allowance is given. It has also been pointed out during the course of arguments that 100 more quarters are going to be built as the management has succeeded in obtaining a subsidy from the Government.

ISSUE No. 7

Rest and Overtime

17. (a) Weekly rest should be given to the Engineering and Traffic staff as other railways do.

(b) Overtime should also be given to the Engineering and office staff.

Railway servants are governed by the Railway Servants Hours of Employment Rules, 1931, and there is no point in changing those rules.

ISSUE No. 8

Provident Fund

18. Trustees provident Fund Rules Section 8 in the tenth line, the clause 'whichever be the lower' should be deleted and 'whichever be the higher' be inserted and all the previous deduction should be set aside. The provision for loan from provident fund should be made.

At present 1/12th of the salary is contributed by the employees and the company makes the same amount of contribution. No change is requested in this respect but the prayer is to change section 8(exhibit 15). The prayer for change in the provident Rule is that while assessing the value of the investments and securities representing the monies belonging to the fund, the basis should be the actual cost or market value whichever be the 'higher', instead of whichever be the 'lower'. It would be against the principle of accounting to take the higher value. I may point out that these securities form a trust money and whether the securities are valued at the actual cost or the market value, the securities remain the property of the employees and the management can have no benefit out of them.

The other request is that there should be a provision for loan from the Provident Fund, which I think, must be granted. The rules be amended after taking the proper sanction as to provide that the employees may be entitled to draw loans from the fund due at their credit for the purpose of sickness, education of children, and marriage of daughters. The amount to be withdrawn as loan should not however exceed 2/3rd of the amount subscribed by the employee irrespective of the amount contributed by the company. The amount of loan shall not exceed three months salary and it must be recoverable in 24 instalments from the salary of an employee. Interest at 3 per cent. per annum will be paid on the amount of loan which ultimately will be credited to the account of the employee.

ISSUE No. 9

19. Stoppage of annual increment *en masse* as a punishment should be stopped. Stoppage of increment be restored to only in extreme cases and for time-limit only. Stoppage extended after the time limit in 1952-53 should be set aside and the employees affected by victimisation should get the annual increment from the date of expiry of the time limit.

The stoppage of annual increments is done according to Rule 11 of the Standing Orders marked Exhibit 36. These rules have been certified by the Regional Labour Commissioner on 11th December 1953 and came into force on 1st January 1954. I do not think any case is made out for amendment of these rules.

ISSUE No. 10

20. Gazetted holidays should be given to the office staff also.

It may be noted that this demand is made by the union for members of the clerical staff only and their prayer is that they should be granted gazetted holidays like manual workmen. The management has replied that the manual workmen designated as Class IV servants are getting no casual leave though they are given 13 festival holidays. The clerical staff is getting 15 days casual leave besides seven festival holidays. The position becomes clear by having a look at the exhibit 45A. A perusal of this chart will reveal that the members of the clerical staff are getting 15 days casual leave and seven days festival holidays, i.e., 22 days, while class IV servants are getting only 13 festival holidays against 22 and they do not get any casual leave. The claim is based on the number of holidays given to the Class IV servants ignoring the benefit of casual leave. As the case now stands, the reply of the management is a complete answer to the demand. So I do not increase the number of festival holidays given to the office staff. I have got no jurisdiction to provide casual leave to class IV servants as this is not covered by the reference.

ISSUE No. 11

21. In case of sick leave, binding of the company's doctor's certificate should be limited to those who reside in the railway premises or headquarters and for the rest, certificate of any licensed doctor or established Vaidya or Hakims or Homeopath should be accepted by the management.

The prayer is not for the provision for sick leave but that the certificate of any licensed doctor or vaidya or hakim or homeopath should be accepted by the management when leave is prayed for on the ground of sickness. If such a latitude is given, then it would not be possible to run the railways efficiently. It has been pointed out by the management that they have got a wholetime medical officer at Dehri-on-Sone who attends to all the patients at all the stations where they may fall ill. The total length of the railway line is 24 miles. So it is easy for the patients to reach Dehri-on-Sone and in case a patient is seriously ill, the doctor can go to the place and attend him. Anyhow if an employee has proceeded on leave to some out-station, then the company has got no right to insist on a certificate of their own doctor. In that case an employee can send a certificate of a registered medical practitioner from that station but an employee who is not already on leave will not be entitled to avail of this concession, i.e. ordinarily it will be only the doctor of the company who will be authorised to recommend sick leave. I also give the option to the employees to obtain a certificate from a medical officer of a Government institution in case of sickness when an employee is living in his own house and not living in the railway premises.

ISSUE No. 12

22. Daily rated system should be abolished and be replaced by monthly rated system. All such employees working under daily rated system should be treated as monthly rated temporary hands.

The management has explained that the workmen employed on daily rated system are to carry on temporary works only and I find that the percentage of such workmen is very small. For temporary works daily rated staff had to be engaged and it cannot be stopped in *toto*.

ISSUE No. 13

23. Pass and P.T.Os should be given to the retired employees as over Indian Government Railways.

The union wants that passes and P.T.Os be given to the retired employees for travelling on Indian Government Railways and not on Dehri Rohtas Light Railway. Grant of such a concession lies in the hands of the Railway Board and the Railway Board has laid down that passes are not admissible to retired employees of non-government railways for journeys over Government railways *vide* Exhibit 357.

ISSUE No. 14

24. Sons or relatives of retiring employees should be appointed before their retirement.

The management has replied that they give preference to the sons and dependents of their retiring employees subject to suitability. The management cannot be asked to provide for the relatives and sons of the retiring employees before their retirement. The principle of providing the relations of the retiring employees subject to their fitness is accepted by the management.

Issue No. 15

25. Grades and designation arbitrarily withheld and reverted by the management should be thoroughly examined in collaboration with the representatives of the Union and the employees subject to such victimisation for no fault of theirs, be restored their respective grades and designation from the date of enforcement with suitable compensation.

The management cannot be asked to examine certain cases regarding grading and reversion of employees in collaboration with the representatives of the Union. So far this right has not been acceded to the workmen. If there are any genuine cases, the Conciliation Officer can be approached who can do the needful.

Issue No. 16

26. The Union demands that the dismissal cases of Sri J. N. Ojha, B. S. Ojha, Assistant Station Masters and Jagdish, Pointsman should be withdrawn with the payment of back dues for the period they have been made to sit idle.

J. N. Ojha, Assistant Station Master was handed over two charge-sheets, Exhibit 155, dated 12th October 1953 and Exhibit 163, dated 14th October 1953, which have resulted in his dismissal. The first charge is that he booked 40 maunds of firewood but he did not record the same in the Outward Goods Register, and that he did not record clock timings about certain train in the register maintained for the purpose. It is also contended that Ojha did not check the signals on 25th September 1953. Even if these charges are established they would not call for dismissal. The second charge is that Enayetullah Khan, Station Master, had reported to the management that J. N. Ojha along with Hardayal, Carriage Fitter and B. P. Sinha had assaulted him when he went to the station at about 10 hours for joining his duty. It is true that E. Khan was assaulted and he did get injuries which forced him to retire but the question is as to whether there is any evidence to prove that J. N. Ojha participated in the assault. An enquiry committee was appointed about which J. N. Ojha wrote that he had no confidence. I agree that mere making such an allegation does not absolve the workman but it was for the management to place the full enquiry report before this Tribunal to form its own opinion. Even the statement of E. Khan alleged to have been given during the course of the inquiry has not been placed on the file. Reliance is placed on the report of the committee marked Exhibit 177. With the report of C. L. Jain are attached the findings of the inquiry committee. A perusal of the findings will show that initially the quarrel arose between B. P. Sinha, Assistant Station Master and E. Khan, Station Master. All that is alleged against J. N. Ojha is that he encouraged Hardayal to beat E. Khan, on which Hardayal gave a slap. As to what was the evidence on which these findings are based is not known. The management has not filed the statements of the witnesses recorded by the Enquiry Committee. Neither E. Khan nor any other person has been examined before me by the management in this respect. As the evidence recorded in this case is not available it is not possible for me to judge as to whether the dismissal was justified or not. Under the circumstances, I am of opinion that the dismissal of J. N. Ojha cannot be confirmed and it appears to be a case of victimisation. During the course of proceedings it was evident that the relations between the parties are very much strained and therefore it will not be advisable to reinstate him, but I grant him 15 days salary for each year of completed service plus three months salary as compensation. He will get the usual benefits such as provident fund, gratuity, etc. if otherwise entitled.

27. B. S. Ojha.—He was working as an Assistant Station Master at Indrapuri. He was charged as follows:—

"On enquiry by M/s. R. N. Sarkar and C. L. Jain in respect of detention of trains on 27th November 1951 at Dehri City and Tilothe Bazar stations it has been revealed that you were asleep at the time when the 1 Up Mixed Train reached Dehri City on the same date and other trains at Tilothe Bazar and the trains were detained at these stations for want of line clear from your station. Due to the detention of 1 Up Mixed train at DTY the travelling public were put to great trouble. This is not the first chance that you slept during duty hours. Please explain why you will not be removed from the service of this Railway for your negligence to duties."

"Your explanation should reach this office within three days on receipt of this charge sheet."

His explanation is that he could not signal to the next station as the Morse had gone out of order and that he was not at fault. He has produced Ram Legan Ram, Station Master who was working at Dehri City. He says that on 27th November 1951 he was travelling by the detained train from Dehri City to Indrapuri and he tried to contact Indrapuri from Dehri City at about 9-30 P.M. on the train-wire line, but the Morse beat at Dehri City from Indrapuri was "too low, disturbed and uncommunicable." He further states that on reaching Indrapuri at about 12 P.M. he found that the train-wire had gone out of order and the inter-wire beat was too low and uncommunicable. He however states that he restored the beat of the train-wire but after 20 minutes when he was still on the railway station talking with B. S. Ojha, the train-wire again went out of order. This is his examination in Chief (A.W.6/1) which he brought written from his house. He however himself belied this statement when cross-examined. In cross examination he stated that he had to travel by the same train which was detained and that on reaching Indrapuri he checked the battery and there was no defect in it and that he tightened all the screws with his hand and the train-wire became all right. He also stated that the inter-wire was working but the sound was very low and uncommunicable. He further stated that when the train-wire became out of order again after 20 minutes of his setting right, he was not present there and that he had gone to his quarters. He further stated that on the next morning he learnt that it had gone out of order. The statement of B. S. Ojha is that it went out of order again in the presence of Shri Ram Legan Ram, Station Master, who had set it right by tightening the screws. Shri Ram Legan Ram also stated in his written statement A.W.6/1 that he was at the station when the train-wire again went out of order. This statement of his, is belied by his own cross-examination. Such a witness cannot be relied upon. He also did not state before the Enquiry Committee (Exhibit 18) that the inter-wire was not working. It appears to be an improvement upon the previous statement. I have carefully gone into the evidence produced by B. S. Ojha and I find that the case is proved against him. There is a report by the Telegraph Department marked Exhibit 311, dated 29th November 1951. I may point out that the working of the Telegraph Section on this railway line is in the hands of the Government and is not under control of the management. So whenever there is a defect in working, a report is made to the Posts & Telegraphs Department. In the present case, when the report was made, one Ishwar Dayal was deputed to look after the defect and he made the report marked Exhibit 312 saying that he found the train-wire (both sides) working all right and found one insulator of the train-wire cracked which was changed by him. He also reported that he did not find any other defect. There is a further report by the Engineering Supervisor marked Exhibit 311 in which he refers to what Ishwar Dayal told him and has reported that Ishwar Dayal found both the train-wires were working properly. One insulator was found slightly cracked on the terminal but it was not likely to cause interruption specially on both sides. He further reported that the beats on the inter-wire were found to be low but the line was workable, and both Dalmianagar and Rohtas answered on the wire on calling. These are the reports from the Department of the Government and I see no reason to disbelieve them. This clearly establishes that Sri B. S. Ojha was responsible for the delaying of the train on both sides. The inter-wire was working all right and he could contact Tilothe Bazar and also Dalmianagar on the inter-wire, if he was on duty. There was also no defect in the train-wire. The case against him is proved and it is not a case of victimisation.

Proper enquiry was conducted against B. S. Ojha in which he participated and countersigned all the statements of witnesses examined in his presence. His excuse that he was not shown the papers at a later stage and was handicapped in his defence is not correct. The management has given him a proper chance to defend himself and has taken a reasonable view of the case and I see no reason to interfere. His dismissal will stand.

28. There is also evidence of Shri Basawan Singh examined at A.W.5 who states that when a compromise regarding a reference took place before Shri Campbell-Puri, Chairman, Central Government Industrial Tribunal, he remarked that the case of B. S. Ojha should also be compromised. He further states that Shri Gulati, Manager of the company said that he would settle this matter after going back to Dalmianagar. The witness goes on to say that he met Shri Gulati three times and Shri Gulati said he will reinstate B. S. Ojha but he must have the consent of Shri Bishnoi. He further goes on to say that when he saw Shri Bishnoi he said that B. S. Ojha will be reinstated after 10 or 20 days. He was however informed by Ojha that the manager was prepared to reinstate him only if he admitted his guilt in the criminal case. Ojha was not willing to admit the guilt and so the witness says that he asked him to place his case before the Tribunal. In cross-examination Shri Basawan Singh stated that he did not know what were the exact charges against B. S. Ojha. He also stated that he did not

know whether there were any conciliation proceedings regarding B. S. Ojha. He also could not say whether the union had filed an appeal before the Regional Labour Commissioner against the decision of the management regarding B. S. Ojha. He also did not know what were the orders passed by the Regional Labour Commissioner. This shows that he only took a casual interest and was not conversant with the full facts of the case. A perusal of Exhibit 74 will show that the matter went up to Regional Labour Commissioner and that the Conciliation Officer reported that the management was justified in the action taken by them against B. S. Ojha. There is also on record the letter, dated 15th December 1952 marked A.W.2/13 which evidently was written after the talk which Shri Basawan Singh had with the management. In this letter Shri B. S. Ojha does not say that any settlement had been arrived at or that it was promised to reinstate him but he simply says that the manager had offered to settle amicably outside court. So it appears that there was an attempt to settle the matter privately which ultimately failed, and therefore the matter has been referred to this Tribunal. The case against B. S. Ojha is proved and it is not a case of victimisation. So I do not interfere with his dismissal.

29. *Jagdish—Pointsman*.—The charge sheet issued against him is marked Exhibit 349 and the management's comments are marked Exhibit 351. I have carefully gone through the matter and find that there is no direct evidence or reliable circumstantial evidence against him. It is true that some body stole iron plates from Dalmianagar and while unloading the plates from the running train near Ramdehri-on-Sone village, one plate inadvertently fell on the railway line and caused the derailment. It may be pointed out that Jagdish, pointsman, was neither found in the train at the time of the accident nor near about the place of accident. He was also not found removing the plates or in possession of the plates. The mere fact that he was found travelling in the brake van with the guard by the ill-fated train, on the same night after his duty hours between Dalmianagar and Dehri City only casts a suspicion and is not sufficient to warrant his dismissal. His relations with the management are strained and the management has lost confidence in him. There is hardly any chance of their pulling together, so I do not reinstate him but grant him compensation at the scale granted to J. N. Ojha.

30. I pass my award according to the findings given above.

(Sd.) P. S. BINDRA, Chairman,

Central Government's Industrial Tribunal,
Dhanbad.

The 31st December, 1955.

[No. LR.3(72)/54.]

P. D. GAIHA, Under Secy.

New Delhi, the 24th January 1956

S.R.O. 249.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to each of the three factories mentioned hereunder, namely,

- (1) The Canara Tyre and Rubber Works Ltd., Mangalore,
- (2) The P. V. Motor Service Ltd., Mangalore-3, and
- (3) The Canara Public Conveyance Co. Ltd., Mangalore-3,

have agreed that the provisions of the Employees' Provident Funds Act, 1952 (XIX of 1952), should be made applicable to the said factories;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby applies the provisions of the said Act to the said factories.

[No. PF.57(9)/55.]

S.R.O. 250.—In pursuance of paragraph 3 of the Coal Mines Provident Fund Scheme published with the Notification of the Government of India in the Ministry of Labour, No. PF.15(5)/48, dated the 11th December, 1948, the Central Government hereby nominates Shri R. N. Pande, Commissioner of Labour, Bihar, Patna,

to the Board of Trustees and makes the following amendment in the Notification of the Government of India in the Ministry of Labour No. S.R.O. 2227, dated the 5th October, 1955, namely:—

In the said Notification, for the entry “(5) Shri B. P. Singh, I.A.S., Commissioner of Labour, Bihar, Patna”, the entry “(5) Shri R. N. Pande, Commissioner of Labour, Bihar, Patna” shall be substituted.

[No. PF.4(14)/54/Amend.3/56.]

New Delhi, the 25th January 1958

S.R.O. 251.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees’ Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri D. L. Desai, a Superintendent in the office of the Regional Provident Fund Commissioner, Bombay, to be an Inspector for the State of Bombay for the purposes of the said Act and of any Scheme made thereunder, in relation to factories within that State engaged in a controlled industry or in an industry connected with a mine or an oil field.

[No. PF. 31(162)/55.]

New Delhi, the 30th January 1958

S.R.O. 252.—The Government of Uttar Pradesh, being one of the State Governments specified by the Central Government for the purposes of paragraph 3(1) (c) of the Employees’ Provident Funds Scheme, 1952, and having nominated Shri Radha Kant, I.A.S., Secretary to the Government of Uttar Pradesh, Labour Department, Lucknow, to the Board of Trustees constituted under the said Scheme, in the vacancy caused by the resignation of Shri K. N. Singh, I.A.S., the following amendment is made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1861, dated the 31st October 1952, relating to the constitution of that Board, namely:—

In the said notification, for the entry “8. Shri K. N. Singh, I.A.S., Secretary to the Government of Uttar Pradesh, Labour Department, Lucknow”, the entry “8. Shri Radha Kant, I.A.S., Secretary to the Government of Uttar Pradesh, Labour Department, Lucknow” shall be substituted.

[No. PF.33(13)/56.]

R. C. SAKSENA, Under Secy.

New Delhi, the 27th January 1958

S.R.O. 253/CDWS/Am.(1)/56.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948) the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S. R. O. 2669, dated the 5th August, 1954, as amended by S.R.O. No. 1707, dated the 28th July, 1955, the same having been previously published as required by the said sub-section.

Amendment

In the said notification, for the words, figures and letters “the 31st January 1956”, the words, figures and letters “the 31st July, 1956” shall be substituted.

[No. F. Fac. 74(68)/56.]

K. N. NAMBIAR, Under Secy.

New Delhi, the 28th January 1958

S.R.O. 254.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1948 (XXII of 1948) read with sub-rule (1) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government has, with effect from the 18th August, 1955, appointed Shri R. N. Pande, Commissioner of Labour, Bihar, as a member of the Advisory Committee for

the State of Bihar vice Shri B. P. Singh and directs that the following amendment shall be deemed to have been made with effect from that date in the notification of the Government of India in the Ministry of Labour No. S.R.O. 2575, dated the 3rd August, 1954, namely:—

In the said notification—

For the entry (3) the following shall be substituted:

"(3) Shri R. N. Pande, Commissioner of Labour, Bihar".

[No. M.II.23(1)56.]

P. D. COMMAR, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi-2, the 31st January 1956

S.R.O. 255.—In exercise of the powers conferred by sub-rule (3) of rule 9 of the Cinematograph (Censorship) Rules, 1951, read with sub-rule (3) of rule 10 of the said Rules, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors Shrimati S. Manjubhashini as a member of the Advisory Panel of the said Board at Madras with effect from the 4th February, 1956.

[No. 14/5/55-FC.]

S.R.O. 256.—It is hereby notified for general information that the name of Shrimati S. Manjubhashini, a member of the first Advisory Panel of the Central Board of Film Censors at Madras, having been determined by lot under the proviso to sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951, the said member shall retire with effect from the 4th February, 1956.

[No. 14/5/55-FC.]

ORDER

New Delhi, the 31st January 1956

S.R.O. 257.—The Central Government hereby:—

(a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting, No. S.R.O. 3805, dated the 26th December, 1955, that the Advisory Panel of the Central Board of Film Censors at Madras shall consist of 27 members with effect from the 4th February, 1956.

(b) appoints, after consultation with the said Board the following persons as members of the Advisory Panel at Madras with effect from the 4th February, 1956:—

1. Dr. Venkatesh Narayan Sharma;
2. Shrimati Nazir Husain;
3. Shri S. Shankar Raju Naidu;
4. Shri K. Satakopan;
5. Lt.-Col. G. S. Gill; and
6. Dr. U. Krishna Rau.

[No. 14/5/55-FC.]

D. KRISHNA AYYAR, Under Secy.

